

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2336

To amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 29 (legislative day, JULY 20), 1994

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Communications Act of 1934 to extend the authorization of appropriations of the Federal Communications Commission, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Communica-  
5       tions Commission Authorization Act of 1994”.

6       **SEC. 2. EXTENSION OF AUTHORITY.**

7       Section 6 of the Communications Act of 1934 (47  
8       U.S.C. 156) is amended to read as follows:

1           “AUTHORIZATION OF APPROPRIATIONS

2           “SEC. 6. There are authorized to be appropriated for  
3 the administration of this Act by the Commission  
4 \$160,300,000 for fiscal year 1994 and \$198,232,000 for  
5 fiscal year 1995, together with such sums as may be nec-  
6 essary for increases resulting from adjustments in salary,  
7 pay, retirement, other employee benefits required by law,  
8 and other nondiscretionary costs, for fiscal year 1995. Of  
9 the sum appropriated in any fiscal year, a portion, in an  
10 amount determined under sections 8(b) and 9(b), shall be  
11 derived from fees authorized by sections 8 and 9.”.

12 **SEC. 3. TRAVEL REIMBURSEMENT AUTHORITY.**

13           Subsection (g) of section 4 of the Communications  
14 Act of 1934 (47 U.S.C. 154) is amended—

15                   (1) by striking paragraph (2), and

16                   (2) by redesignating paragraph (3) as (2).

17 **SEC. 4. COMMUNICATIONS SUPPORT FROM OLDER AMERI-**  
18 **CANS.**

19           Section 6(a) of the Federal Communications Commis-  
20 sion Authorization Act of 1988 (47 U.S.C. 154 note) is  
21 amended by striking “1992 and 1993,” and inserting  
22 “1995 and 1996,”.

23 **SEC. 5. HAWAII MONITORING STATION.**

24           Section 9(a) of the Federal Communications Commis-  
25 sion Authorization Act of 1988 (Public Law 100–594; 102

1 Stat. 3024) is amended by striking “1991, 1992, 1993,  
2 and 1994” and inserting “1995, 1996, and 1997”.

3 **SEC. 6. INSPECTION OF SHIP RADIO STATIONS.**

4 (a) CONTRACTING OUT INSPECTIONS.—Section  
5 4(f)(3) of the Communications Act of 1934 (47 U.S.C.  
6 154(f)(3)) is amended by adding at the end the following:  
7 “Notwithstanding the preceding provisions of this para-  
8 graph, the Commission may designate an entity to make  
9 the inspections referred to in this paragraph.”.

10 (b) ANNUAL INSPECTION REQUIRED.—Section  
11 362(b) of the Communications Act of 1934 (47 U.S.C.  
12 360(b)) is amended—

13 (1) by striking “as may” in the third sentence  
14 and inserting “as the Commission determines to”,  
15 and

16 (2) by striking “thereby” and all that follows  
17 and inserting the following: “thereby—

18 “(1) waive the annual inspection required under  
19 this section for a period of up to 90 days for the sole  
20 purpose of enabling a vessel to complete its voyage  
21 and proceed to a port in the United States where an  
22 inspection can be held, or

23 “(2) waive the annual inspection required under  
24 this section for a vessel that is in compliance with  
25 the radio provisions of the Safety Convention and

1       that is operating solely in waters beyond the juris-  
2       diction of the United States, but the inspection shall  
3       be performed within 30 days after the vessel's return  
4       to the United States.”.

5       (c) CONFORMING AMENDMENT.—Section 385 of the  
6       Communications Act of 1934 (47 U.S.C. 385) is amend-  
7       ed—

8               (1) by inserting “or an entity designated by the  
9       Commission” after “Commission”, and

10              (2) by striking out “as may” and inserting “as  
11       the Commission determines to”.

12   **SEC. 7. EXPEDITED ITFS PROCESSING.**

13       Section 5(c)(1) of the Communications Act of 1934  
14       (47 U.S.C. 155(c)(1)) is amended by striking “Nothing”  
15       and inserting “Except for cases involving the authoriza-  
16       tion of service in the Instructional Television Fixed Serv-  
17       ice, or as otherwise provided in this Act, nothing”.

18   **SEC. 8. APPLICATION FEES.**

19       (a) MODIFICATION OF FEES.—Subsection (b) of sec-  
20       tion 8 of the Communications Act of 1934 (47 U.S.C.  
21       158) is amended—

22              (1) by redesignating paragraph (2) as (6), and

23              (2) by striking out so much of such subsection  
24       as precedes paragraph (6), as redesignated, and in-  
25       serting the following:

1       “(b)(1) For fiscal year 1995 and each fiscal year  
2 thereafter, the Commission shall, by regulation, modify  
3 the application fees by proportionate increases or de-  
4 creases so as to result in estimated total collections for  
5 the fiscal year equal to the sum of—

6               “(A) \$40,000,000, plus

7               “(B) the amount specified in an appropriation  
8 Act for the Commission for that fiscal year to be col-  
9 lected and credited to such appropriation, not to ex-  
10 ceed necessary expenses of the Commission.

11       “(2) The Commission may round the modified fees  
12 to the nearest \$5, in the case of fees under \$100, or to  
13 the nearest \$20, in the case of fees of \$100 or more. The  
14 Commission shall transmit to the Congress notification of  
15 any adjustment made under this paragraph immediately  
16 upon the adoption of the adjustment.

17       “(3) The Commission may collect fees at the prior  
18 year’s rate until the effective date of modifications, adjust-  
19 ments, or amendments under this subsection.

20       “(4) The Commission by regulation shall add, delete,  
21 or reclassify services, categories, applications, or other fil-  
22 ings subject to application fees to reflect additions, dele-  
23 tions, or changes in the nature of its services or authoriza-  
24 tion of service processes as a consequence of rulemaking  
25 proceedings or changes in law.

1       “(5) The amount of any fee modified or amended as  
2 a consequence of action taken under paragraph (4) shall  
3 be derived by determining the fulltime equivalent number  
4 of employees performing application activities adjusted to  
5 take into account other expenses that are reasonably relat-  
6 ed to the cost of processing the application or other filing,  
7 including all executive and legal costs incurred by the  
8 Commission in the discharge of these functions, and other  
9 factors the Commission determines to be in the public in-  
10 terest. The Commission shall transmit to the Congress no-  
11 tification of—

12               “(A) any proposed modification of a fee imme-  
13 diately upon adoption of the proposal, and

14               “(B) any amendment immediately upon adop-  
15 tion of an amended fee.”.

16       (b) REIMBURSEMENT OF APPROPRIATIONS.—Section  
17 8(e) of such Act (47 U.S.C. 8(e)) is amended to read as  
18 follows:

19       “(e) Of the moneys received from fees authorized  
20 under this section, \$40,000,000 shall be deposited in the  
21 general fund of the Treasury to reimburse the United  
22 States for amounts appropriated for use by the Commis-  
23 sion in carrying out its functions under this Act, and the  
24 remainder shall be deposited as an offsetting collection in,

1 and credited to, the account providing appropriations to  
2 carry out the functions of the Commission.”.

3 (c) DERIVATION OF APPROPRIATED FUNDS.—Sec-  
4 tion 6(d) of such Act (47 U.S.C. 156(d)) is amended—

5 (1) by striking “section 9(b)” and inserting  
6 “sections 8(b) and 9(b)”, and

7 (2) by striking “section 9” and inserting “sec-  
8 tions 8 and 9, respectively”.

9 **SEC. 9. SCHEDULE OF APPLICATION FEES FOR PERSONAL**  
10 **COMMUNICATIONS SERVICES.**

11 The Schedule of Application Fees set forth in section  
12 8(g) of the Communications Act of 1934 (47 U.S.C.  
13 158(g)) is amended by adding at the end of the part relat-  
14 ing to Common Carrier Services the following:

“23. Personal Communications Services	
“a. Initial or New Application .....	230
“b. Amendment to Pending Application .....	35
“c. Application for Assignment or Transfer of Control .....	230
“d. Application for Renewal of License .....	35
“e. Request for Special Temporary Authority .....	200
“f. Notification of Completion of Construction .....	35
“g. Request to Combine Service Areas .....	50.”.

15 **SEC. 10. REGULATORY FEES.**

16 (a) IN GENERAL.—Section 9(a) of the Communica-  
17 tions Act of 1934 (47 U.S.C. 159(a)) is amended to read  
18 as follows:

19 “(a) GENERAL AUTHORITY.—The Commission, in  
20 accordance with this section, shall assess and collect regu-  
21 latory fees to recover its costs arising from all executive

1 and legal costs incurred by the Commission in the dis-  
2 charge of these functions.”.

3 (b) NOTICE TO CONGRESS OF ADJUSTMENTS AND  
4 AMENDMENTS.—Section 9(b)(4)(B) of such Act (47  
5 U.S.C. 159(b)(4)(B)) is amended by striking “90 days”  
6 and inserting “30 days”.

7 (c) AUTHORITY TO COLLECT AT OLD RATE PEND-  
8 ING EFFECTIVE DATE OF NEW RATES.—Section 9(b) of  
9 such Act (47 U.S.C. 9(b)) is amended by adding at the  
10 end thereof the following:

11 “(5) RATES PENDING EFFECTIVE DATE OF  
12 MODIFICATIONS.—The Commission may continue to  
13 collect any fee imposed under this section at the  
14 prior year’s rate until the effective date of any ad-  
15 justment or amendment of that fee under this sec-  
16 tion.”.

17 **SEC. 11. REPORT OF FEE MODIFICATIONS.**

18 Section 4(k) of the Communications Act of 1934 (47  
19 U.S.C. 154(k)) is amended—

20 (1) by striking “and” at the end of paragraph

21 (3),

22 (2) by redesignating paragraph (4) as (5), and

23 (3) by inserting after paragraph (3) the follow-  
24 ing new paragraph:



1           “(4) a detailed explanation of any modification,  
2           adjustment, or amendment of any fees the amount  
3           of which was increased or decreased under section 8  
4           or 9 in the preceding year, setting forth the reasons  
5           for the modification, adjustment, or amendment, to-  
6           gether with a statement of anticipated modifications,  
7           adjustments, or amendments of fees under those sec-  
8           tions in the year in which the report is submitted  
9           and an explanation of the reason such action is an-  
10          ticipated; and”.

11 **SEC. 12. TARIFF REJECTION AUTHORITY.**

12          Section 203(e) of the Communications Act of 1934  
13 (47 U.S.C. 203(d)) is amended by inserting the following  
14 after the first sentence: “The Commission may, after invit-  
15 ing comment from interested parties, reject a proposed  
16 tariff filing in whole or in part if the filing or any part  
17 thereof is patently unlawful. In evaluating whether a pro-  
18 posed tariff filing is patently unlawful, the Commission  
19 may consider additional information filed by the carrier  
20 or any interested party and shall presume the facts alleged  
21 by the carrier to be true.”.

22 **SEC. 13. REFUND AUTHORITY.**

23          Section 205 of the Communications Act of 1934 (47  
24 U.S.C. 205) is amended by adding at the end thereof the  
25 following:

1       “(c) The Commission may require by order the re-  
2 fund of a portion of any charge by a carrier that results  
3 from violation of this Act, or of any rule promulgated  
4 under this Act. The refund shall be paid, with interest,  
5 to the person by or on whose behalf the charge was paid.  
6 The Commission may not require payment of a refund  
7 under this subsection unless—

8               “(1) it issues an order advising the carrier of  
9 its potential refund liability and provides the carrier  
10 with an opportunity to file written comments as to  
11 why the refund should not be required, and

12               “(2) it issues the order not later than 5 years  
13 after the date on which the charge was paid.”.

14 **SEC. 14. LICENSING OF AVIATION, MARITIME, AND PER-**  
15 **SONAL RADIO SERVICES BY RULE.**

16       Section 307(e) of the Communications Act of 1934  
17 (47 U.S.C. 307(e)) is amended—

18               (1) by striking “radio control service and the  
19 citizens band radio service” in paragraph (1) and in-  
20 serting: “following radio services: (A) personal radio  
21 services, (B) aviation radio service for aircraft sta-  
22 tions operated on domestic flights when such aircraft  
23 are not otherwise required to carry a radio station,  
24 and (C) maritime radio service for ship stations

1 navigated on domestic voyages when such ships are  
2 not otherwise required to carry a radio station”, and

3 (2) by striking out “the terms ‘radio control  
4 service’ and ‘citizens band radio service’ shall” in  
5 paragraph (3) and inserting: “the terms ‘personal  
6 radio services’, ‘aircraft station’, and ‘ship station’  
7 shall”.

8 **SEC. 15. AUCTION TECHNICAL AMENDMENTS.**

9 Section 309(j)(8) of the of the Communications Act  
10 of 1934 (47 U.S.C. 309(j)(8)) is amended—

11 (1) by inserting “are authorized to remain  
12 available until expended and” after “Such offsetting  
13 collections” in the second sentence of subparagraph  
14 (B), and

15 (2) by adding at the end thereof the following:

16 “(C) REVENUES ON DEPOSIT.—The Com-  
17 mission is authorized, based on the competitive  
18 bidding methodology selected, to provide for the  
19 deposit of monies for bids in an interest-bearing  
20 account until such time as the Commission ac-  
21 cepts a deposit from the high bidder. All inter-  
22 est earned on bid monies received from the win-  
23 ning bidder shall be deposited into the general  
24 fund of the Treasury. All interest earned on bid  
25 monies deposited from unsuccessful bidders

1           shall be paid to those bidders, less any applica-  
2           ble fees and penalties.”.

3 **SEC. 16. FORFEITURE FOR ACT OR RULE VIOLATIONS IM-**  
4 **PERILING SAFETY OF LIFE.**

5           (a) ADMINISTRATIVE SANCTIONS.—Section 312(a) of  
6 the Communications Act of 1934 (47 U.S.C. 312(a)) is  
7 amended—

8           (1) by striking “or” at the end of paragraph  
9           (6),

10           (2) by striking the period at the end of para-  
11 graph (7) and inserting a semicolon and the word  
12 “or”, and

13           (3) by adding at the end thereof the following:

14           “(8) for failure to comply with any requirement  
15 of this Act or the Commission’s rules that imperils  
16 the safety of life.”.

17           (b) FORFEITURES.—Section 503(b)(1) of such Act  
18 (47 U.S.C. 503(b)(1)) is amended—

19           (1) by striking out “or” at the end of subpara-  
20 graph (C);

21           (2) by inserting “or” after the semicolon at the  
22 end of subparagraph (D), and

23           (3) by inserting after subparagraph (D) the fol-  
24 lowing:

1           “(E) failed to comply with any requirement  
2           of this Act or the Commission’s rules that im-  
3           perils the safety of life;”.

4   **SEC. 17. STATUTE OF LIMITATIONS FOR FORFEITURE PRO-**  
5           **CEEDINGS AGAINST COMMON CARRIERS.**

6           Section 503(b)(6) of the Communications Act of  
7   1934 (47 U.S.C. 503(b)(6)) is amended—

8           (1) by striking “or” at the end of subparagraph  
9   (A),

10          (2) by inserting “and is not a common carrier”  
11   after “Act” in subparagraph (B),

12          (3) by redesignating subparagraph (B) as (C),  
13   and

14          (4) by inserting after subparagraph (A) the fol-  
15   lowing:

16               “(B) such person is a common carrier and  
17               the required notice of apparent liability is is-  
18               sued more than 5 years after the date on which  
19               the violation occurred; or”.

○